IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.5520 of 2006

Hutatma Kisan Ahir Sahakari Sakhar
Karkhana Ltd., Walwa — Petitioner
Vs.
Shri Suresh Balu Zende — Respondent

With
Writ petition No.5521 of 2006

Hutatma Kisan Ahir Sahakari Sakhar
Karkhana Ltd., Walwa — Petitioner
Vs.
Shri Krushna Vishwanath Jangam — Respondent

Mr.Suresh S. Pakale for petitioners.

CORAM: B.H.MARLAPALLE,J.

August 21, 2006.

P.C.

. Heard Mr.Pakale, the learned counsel for the petitioner-Karkhana. Both the petitions impugn a similar order i.e. allowing the Written Statement to be taken on record conditionally. The condition imposed by the Inudstrial Court is to deposit 40% towards in the Court as condition precedent.

. In the order below Exhibit U-2 passed on 9/11/2001 the learned Member of the Industrial Court observed that in the complaints filed by these two workmen they have alleged that all other employees

have been paid bonus to the tune of 40% for each year and the complainants were not paid at that rate. Therefore, the Industrial Court directed to deposit due amount of bonus payable to the complainants at par with other employees o or before 30/11/2001.

. The Karkhana went on seeking dates purportedly for settling the dispute amicably and for almost four years after the order below Exhibit U-2 was passed no Written Statement was filed and, therefore, on 6/12/2005 the Industrial Court passed the order of no W.S. Karkhana filed an application at Exhibit C-8 on or about 13/4/2006 and the said application has been allowed but conditionally.

. On the face of these obtaining circumstances and more particularly when complainant's claim that all other employees have been paid bonus at the rate of 40% of their salary, the condition imposed by the learned Member of the Industrial Court in the impugned order cannot be said to be either perverse or palpably erroneous so as to cause interference in the same under Article 227 of the Constitution. Hence the petitions are rejected summarily and it is clarified that the deposited amount will not be

allowed to be withdrawn by the complainants during the pendency of the complaints. Trial of the complaints is hereby expedited. If the petitioner files its Written Statement within two weeks from today, the order of no WS will stand set aside provided the condition laid down by the Industrial Court is complied with within that period.

. Certified copy is expedited.

(B.H.MARLAPALLE,J.)